

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

C.M.F., a Minor, by and through the
Guardian of his estate, FIDUCIARY
TRUST COMPANY INTERNATIONAL
OF PENNSYLVANIA, et al.

Plaintiffs,

v.

TEMPLE UNIVERSITY HOSPITAL, INC.
d/b/a TEMPLE UNIVERSITY
HOSPITAL,
et al.

v.

CLINTON TURNER, M.D. and
NISHANTH SIDDURI, M.D.

Defendants.

Civil Action No.

NOTICE OF REMOVAL

Under 42 U.S.C. § 233, the United States of America, on behalf of federal defendants Clinton Turner, M.D. and Nishanth Sidduri, M.D. files this notice of removal of this action to the United States District Court for the Eastern District of Pennsylvania. In support, the United States avers:

1. On October 31, 2024, plaintiff C.M.F., a Minor, by and through the Guardian of his estate, Fiduciary Trust Company International of Pennsylvania, initiated Case No. 241100047, by filing a complaint in the Philadelphia County, Pennsylvania Court of Common Pleas, naming as defendants, Temple University Hospital, Inc. d/b/a Temple University Hospital, et al.

2. On December 4, 2024, defendants Temple University Hospital, Inc. d/b/a

Temple University Hospital, et al. filed a joinder complaint directed at additional defendants, Clinton A. Turner, M.D. and Nishanth Sidduri, M.D., employees of Delaware Valley Community Health, Inc. *See Joinder Complaint attached to initial complaint in Case No. 241100047, attached as Exhibit 1.*

3. By operation of the Federally Supported Health Centers Act of 1992 and 1995, 42 U.S.C. § 233, named defendants Clinton Turner, M.D. and Nishanth Sidduri, M.D., are deemed federal employees or agencies of the United States, and therefore covered by certain procedures of the Federal Tort Claims Act, which provides the exclusive remedy for state-law tort actions brought against individuals or entities deemed to be federal employees acting within the scope of their employment. *See 42 U.S.C. §§ 233(a), (g).*

4. Further, the Federally Supported Health Centers Act of 1992 and 1995 incorporates certain provisions of the Federal Tort Claims Act, under which claims against the United States for state-law tort actions, brought against individuals or entities deemed to be federal employees acting within the scope of their employment, may only be brought in federal district court. *See 42 U.S.C. §§ 233(a), (c); 28 U.S.C. § 1346.* Therefore, this action must be removed to federal district court. *See id.*

5. A certified copy of this Notice of Removal will be filed in the Office of Judicial Support for the Court of Common Pleas Philadelphia County, First Judicial District of Pennsylvania, Civil Trial Division, and sent to all parties.

6. No bond is required as this notice is filed by the United States. *See 42*

U.S.C. § 233(c).

7. Removal is timely under 42 U.S.C. § 233(c), which provides that a civil action of this nature may be removed at any time before trial.

WHEREFORE, the United States respectfully submits this notice of removal of this action.

Respectfully submitted,

DAVID METCALF
United States Attorney

s/ Susan R. Becker for
GREGORY B. DAVID
Assistant United States Attorney
Chief, Civil Division

Dated: April 15, 2025

s/ Viveca D. Parker
VIVECA D. PARKER
Assistant United States Attorney
United States Attorney's Office
615 Chestnut Street, Suite 1250
Philadelphia, PA 19106
Tel: (215) 861-8443
Fax: (215) 861-8618

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of April 2025, a true and correct copy of the foregoing Defendant the United States' Notice of Removal has been served via Electronic Court Filing (ECF) upon the following:

Jack Beam, Esquire
Court I.D. No. 52519
BEAM LEGAL TEAM
954 W. Washington Blvd. #215
Chicago, IL 60607

Jordan Strokovsky, Esquire
Court I.D. No. 318811
STROKOVSKY LLC
1650 Market St., #3600
Philadelphia, PA 19103

Counsel for plaintiffs

Paul K. Leary, Jr., Esq. (85402)
Nicholas A. Karwacki, Esq. (320773)
Dylan M. Alper, Esq. (313710)
COZEN O'CONNOR
One Liberty Place
1650 Market Street, Suite 2800
Philadelphia, PA 19103

Richard S. Margulies, Esq. (62306)
Elizabeth A. Williams Esquire (206548)
BURNS WHITE LLC
1835 Market Street, Suite 2700
Philadelphia, PA 19103

Counsel for Temple Defendants

s/ Viveca D. Parker
VIVECA D. PARKER
Assistant United States Attorney

Complete list of Defendants

DEFENDANTS

TEMPLE UNIVERSITY HOSPITAL,
INC. d/b/a TEMPLE UNIVERSITY
HOSPITAL, TEMPLE UNIVERSITY
HEALTH SYSTEM, and/or TEMPLE
HEALTH

3509 N. Broad Street, 9th Floor
Philadelphia, PA 19140

and

TEMPLE UNIVERSITY HEALTH
SYSTEM, INC. d/b/a TEMPLE
UNIVERSITY HEALTH SYSTEM,
TEMPLE UNIVERSITY HOSPITAL
and/or TEMPLE HEALTH

3509 n. Broad Street, 9th Floor
Philadelphia, PA 19140

and

CLINTON TURNER, M.D. and
NISHANTH SIDDURI, M.D.

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DESIGNATION FORM

Place of Accident, Incident, or Transaction: Temple University Hospital

RELATED CASE IF ANY: Case Number: _____ Judge: _____

1. Does this case involve property included in an earlier numbered suit? 2. Does this case involve a transaction or occurrence which was the subject of an earlier numbered suit? 3. Does this case involve the validity or infringement of a patent which was the subject of an earlier numbered suit? 4. Is this case a second or successive habeas corpus petition, social security appeal, or pro se case filed by the same individual? 5. Is this case related to an earlier numbered suit even though none of the above categories apply? If yes, attach an explanation.	Yes <input type="checkbox"/> Yes <input type="checkbox"/> Yes <input type="checkbox"/> Yes <input type="checkbox"/> Yes <input type="checkbox"/>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------

I certify that, to the best of my knowledge and belief, the within case **is** / **is not** related to any pending or previously terminated action in this court.

Civil Litigation Categories

A. Federal Question Cases:

- 1. Indemnity Contract, Marine Contract, and All Other Contracts)
- 2. FELA
- 3. Jones Act-Personal Injury
- 4. Antitrust
- 5. Wage and Hour Class Action/Collective Action
- 6. Patent
- 7. Copyright/Trademark
- 8. Employment
- 9. Labor-Management Relations
- 10. Civil Rights
- 11. Habeas Corpus
- 12. Securities Cases
- 13. Social Security Review Cases
- 14. Qui Tam Cases
- 15. Cases Seeking Systemic Relief *see certification below*
- 16. All Other Federal Question Cases. (Please specify): 42 U.S.C. Section 233

B. Diversity Jurisdiction Cases:

- 1. Insurance Contract and Other Contracts
- 2. Airplane Personal Injury
- 3. Assault, Defamation
- 4. Marine Personal Injury
- 5. Motor Vehicle Personal Injury
- 6. Other Personal Injury (Please specify): _____
- 7. Products Liability
- 8. All Other Diversity Cases: (Please specify) _____

I certify that, to the best of my knowledge and belief, that the remedy sought in this case **does** / **does not** have implications beyond the parties before the court and **does** / **does not** seek to bar or mandate statewide or nationwide enforcement of a state or federal law including a rule, regulation, policy, or order of the executive branch or a state or federal agency, whether by declaratory judgment and/or any form of injunctive relief.

ARBITRATION CERTIFICATION (CHECK ONLY ONE BOX BELOW)

I certify that, to the best of my knowledge and belief:

Pursuant to Local Civil Rule 53.2(3), this case is not eligible for arbitration either because (1) it seeks relief other than money damages; (2) the money damages sought are in excess of \$150,000 exclusive of interest and costs; (3) it is a social security case, includes a prisoner as a party, or alleges a violation of a right secured by the U.S. Constitution, or (4) jurisdiction is based in whole or in part on 28 U.S.C. § 1343.

None of the restrictions in Local Civil Rule 53.2 apply and this case is eligible for arbitration.

NOTE: A trial de novo will be by jury only if there has been compliance with F.R.C.P. 38.